

Message Text

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ACTION EB-07

INFO OCT-01 NEA-10 ISO-00 COME-00 TRSE-00 OMB-01 CIAE-00

DODE-00 PM-03 H-02 INR-07 L-03 NSAE-00 NSC-05 PA-01

PRS-01 SP-02 SS-15 USIA-06 /064 W

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P 151245Z JUN 75

FM AMEMBASSY TEHRAN

TO SECSTATE WASHDC PRIORITY 1978

LIMITED OFFICIAL USE TEHRAN 5592

E.O. 11652: NA

TAGS: BGEN, IR

SUBJ: CONDUCT OF AMERICAN BUSINESS IN IRAN

REF: TEHRAN 5449; TEHRAN 5188

1. AS OBVIOUS FOLLOW-UP TO RECENT DISCLOSURES REGARDING
SEES OR BRIBES PAID OFFICIALS AND AGENTS OF VARIOUS
COUNTRIES IN RETURN FOR FAVORABLE CONTRACT CONSIDERATIONS
GOI PUBLISHED JUNE 14 FOLLOWING TEXT OF AFFADAVIT TO BE
REQUIRED FROM ALL FOREIGN FIRMS DOING BUSINESS IN IRAN:

QUOTE

IRAN

CITY OF.....

EMBASSY OF.....(NAME).....

BEING FIRST DULY SWORN, DEPOSES AND SAYS:

1. I AM. (POSITION)..... OF

.....(NAME OF CORPORATION).....

(THE "COMPANY"), HAVING ITS PRINCIPAL PLACE OF BUSINESS

AT....(CITY AND COUNTRY).....WHICH PROPOSES TO ENGAGE IN

CERTAIN BUSINESS ACTIVITIES (THE "BUSINESS ACTIVITIES"),

WHETHER OR NOT INCLUDING A WRITTEN CONTRACT, WITH, FOR,

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OR INVOLVING THE IMPERIAL GOVERNMENT OF IRAN (THE
"GOVERNMENT"), OR A CORPORATION OR OTHER ENTITY OWNED
OR CONTROLLED BY THE GOVERNMENT, AND HAVE PERSONAL
KNOWLEDGE OF THE FACTS HEREINAFTER REFERRED TO:

2. THE BUSINESS ACTIVITIES REFERRED TO IN PARAGRAPH
I HEREOF CONSIST OF
.....(DESCRIBE NATURE OF BUSINESS AND/OR CONTRACT).....
.....

3. NEITHER THE COMPANY NOR ANY OF ITS SUBSIDIARIES
OR AFFILIATES, NOR ANY OF ITS OFFICERS, DIRECTORS,
EMPLOYEES OR AGENTS HAS PAID EITHER DIRECTLY OR INDIRECTLY
OR INCURRED LIABILITY FOR, ANY FEES, COMMISSIONS, BONUSES,
GRATUITIES, OR OTHE PAYMENTS OR CONSIDERATIONS TO BROKERS,
AGENTS, FINDERS, OR OTHER PERSONS OR JURIDICAL ENTITIES
(INCLUDING ANY OFFICIAL OR EMPLOYEE OF THE GOVERNMENT),
WHETHER IN OR OUT OF IRAN (EXCEPT SUPPLIERS OR SUB-
CONTRACTORS AS CONTEMPLATED BY AND SPECIFICALLY REFERRED
TO IN THE CONTRACTUAL ARRANGEMENTS INVOLVED IN SAID
BUSINESS ACTIVITIES) IN CONNECTION WITH THE EXECUTION OR
PERFORMANCE OF SAID BUSINESS ACTIVITIES, OR ANY TRANSACTIONS
OR CONTRACTS CONTEMPLATED BY THE BUSINESS ACTIVITIES,
EXCEPT AS FOLLOWS:

.....(SPECIFY ANY SUCH ARRANGEMENTS).....
.....

4. I UNDERSTAND AND ACKNOWLEDGE THAT THE EXECUTION AND
DELIVERY OF THIS AFFIDAVIT ARE REQUIRED BY THE GOVERNMENT
AS A CONDITION OF THE COMPANY ENGAGING IN THE BUSINESS
ACTIVITIS.

5. I UNDERSTAND AND ACKNOWLEDGE THAT ANY WILLFUL FALSE
STATEMENTS IN THIS AFFIDAVIT MAY CONSTITUTE A CRIMINAL
OFFENSE BY ME AND BY THE COMPANY UNDER THE PENAL LAWS
OF IRAN AS WELL AS THOSE OF(NAME OF COUNTRY).....
INCLUDING THE LAW RELATING TO PERJURY.

I FURTHER UNDERSTAND AND ACKNOWLEDGE THAT SUCH
WILLFUL FALSE STATEMENTS MAY ALSO SUBJECT ME AND THE
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COMPANY TO CERTAIN CIVIL LIABILITIES, INCLUDING THE
TERMINATION, CESSATION, OR LIQUIDATION BY THE GOVERN-
MENT OF THE BUSINESS ACTIVITIES FOR CAUSE, AND THE
ASSESSMENT OF PUNITIVE DAMAGES AGAINST ME AND THE
COMPANY.

6. I ACKNOWLEDGE THAT I HAVE REQUESTED A CONSULAR
OFFICER OF....(NAME OF COUNTRY).....TO RECORD A
COPY OF THIS AFFIDAVIT, AS SIGNED, IN THE RECORD BOOK
MAINTAINED BY THE CONSULATE IN IRAN AND TO ISSUE A
CERTIFICATE OF RECORDING IN CONNECTION THEREWITH.

.....

(SIGNATURE OF AFFIANT)

SUBSCRIBED AND SWORN TO BEFORE ME THIS.....DAY OF
.....1975.

.....

..

SIGNATURE OF CONSULAR OFFICER)

(SEAL)

.....

TITLE OF CONSULAR OFFICER

UNQUOTE

2. EMBASSY HAS DOUBTS CONCERNING PROPRIETY OF SUCH
AFFADAVITS AND REQUESTS DEPARTMENT OPINION ON FOLLOWING
POINTS:

A. SHOULD AFFADAVIT PROPERLY BE EXECUTED BY U.S.
CONSULAR OFFICER OR BY IRANIAN NOTARY, SINCE IT IS
APPARENTLY INTENDED FOR USE IN IRAN IN ENFORCING
IRANIAN LAW? IT WOULD APPEAR TO CONTRADICT INSTRUCTIONS
CONTAINED IN 7 FAM 814.3-2.

B. RE PARA 5. WOULD WILLFUL FALSE STATEMENT IN
FACT CONSTITUTE CRIMINAL OFFENSE UNDER PENAL LAW OF U.S.?

C. RE PARA 6. SHOULD EMBASSY KEEP COPIES OF
AFFADAVITS AS IMPLIED? IF SO, WOULD DOCUMENTS BE AVAIL-
ABLE UNDER FREEDOM OF INFORMATION ACT PROCEDURES?
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SHOULD CONSUL ISSUE "CERTIFICATE OF RECORDING"? IF SO,
WHAT FORM SHOULD IT TAKE?

3. PENDING INSTRUCTIONS FROM DEPARTMENT, EMBASSY IS
TAKING NO ACTION AND IS SEEKING CLARIFICATION ON
SEVERAL FACTORS FROM GOI, E.G., IS AFFADAVIT TO
BE RETROACTIVE, WHAT LANGUAGE AND OTHERS.

4. AS DEPARTMENT CAN APPRECIATE, WE ARE RECEIVING
NUMEROUS CALLS FROM CONCERNED BUSINESS FIRMS. WELCOME
PROMPT RESPONSE.
MIKLOS

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<< END OF DOCUMENT >>

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